

Introduction

WOMEN'S RIGHTS ARE HUMAN RIGHTS

“All human beings are born free and equal in dignity and rights....Everyone is entitled to all of the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The International Declaration of Human Rights
Adopted by the UN General Assembly, 10 December 1948

“Discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and of the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity...”

The Convention on the Elimination of All Forms of
Discrimination Against Women (CEDAW)
Adopted by the UN General Assembly, 3 September 1981

“The human rights decreed by Divine Law aim at conferring dignity and honor on all humankind and are designed to eliminate oppression and injustice....By virtue of the Divine source and sanction these rights can neither be curtailed, abrogated, or disregarded by authorities...nor can they be surrendered or alienated....All persons are equal before the Law and are entitled to equal opportunities and the protection of the Law. No person shall be denied the opportunity to work or be discriminated against in any manner or exposed to any physical risk by reason of religious belief, color, race, origin, sex or language.”

The Universal Islamic Declaration of Human Rights, 1985

The venerable international documents cited above are often invoked during discussions of women's human rights in the Arab world; unfortunately, they are less frequently applied or enforced. Although the topic of human rights has been high on the world's political agenda since the end of the Second World War, only recently have the human rights of Arab women received the attention and concern they deserve in local, regional and international fora of discussion and debate.

Yet, such probing discussions and lively debates have neither altered traditional mentalities nor broadened narrow visions of Arab women's roles in society. The very concept of women's human rights generates controversy in the Arab world, expressed in questions such as the following: Should women's rights be considered separate from men's rights or children's rights? Should Western models of the individual serve as the criteria for judging the rights and responsibilities of men and women in a cultural milieu shaped more by Islam and Christianity than by the liberalism of John Locke and Adam

Smith? Should universalistic or relativistic conceptions of human rights be employed to assess the morality of particular cultural practices affecting Arab women? Are women's human rights being used cynically by Western powers in order to humiliate Arab countries? Should Arab women adopt Western feminist models, or develop their own indigenous approaches to women's human rights? Clearly, the debate concerning women's human rights in the Arab world is still inconclusive, and the discussions yet to come will provide rich material for contemplation, research, dialogue and policy-making on the regional and international levels.

The topic of women's human rights in the Arab world evokes controversy and debate because it sits uncomfortably atop several cultural “fault-lines.” Discussing Arab women's rights, or the lack thereof, forces us to confront a number of contentious issues: What is the dividing line between private, familial matters, and public policy concerns? What is the difference between legality and morality? What is the role of “culture” in shaping conceptions of women's human rights, and to what extent is culture immutable? Which should prevail: the needs of the individual or the demands of the group? To what extent is the human rights debate in the Arab world constricted and confused by the ongoing and politically charged confrontations between East and West, liberalism and communitarianism, the developing world and the advanced industrial nations? Considering the sensitive and highly-charged context surrounding the topic of Arab women's human rights, it is not surprising that debates about the veil can become life and death matters in some countries, such as Algeria, where Arab women's lives and choices have become the symbolic locus of confrontation between East and West, religion and secularism, tradition and modernity.

Despite this atmosphere of controversy, Arab women are nobly rising to the challenge of defining and claiming their rights. In the course of preparing this special double issue of *Al-Raida*, we have discovered that basic concepts, such as “feminism,” “choice,” “power,” “responsibility,” and “rights” are undergoing subtle redefinitions and refinements in the crucible of contemporary Arab culture. Received wisdom is being questioned, traditional thinking and practices are being critiqued, religious laws are being reinterpreted, and women's voices are being heard. The File section of this issue of *Al-Raida* offers global, regional and local perspectives on the various ways that Arab women are grappling with the multi-faceted roots and repercussions of human rights abuses. In some Arab countries, violations are so severe that speaking out, let alone acting, on women's rights is a life-threatening endeavor. The many women activists, journalists and lawyers murdered in Algeria since 1992 remind us of how much courage and conviction are required to defend women's basic rights and dignity in some volatile contexts. Similarly, the rise of the Taliban movement in Afghanistan, a

Muslim, though not an Arab, country, has stirred debate throughout the Arab world concerning the proper treatment of women under Islamic law. It is encouraging to note that the vast majority of Arab spokesmen, and even the Government of the Islamic Republic of Iran, have officially condemned the Taleban's treatment of women as uncompassionate, and thus, un-Islamic.

But even in the most moderate Arab countries, women's human rights are far from secured. Kuwait, known for its open, liberal atmosphere in comparison to its Arab Gulf neighbors, still denies women the right to vote. Protests by women's groups and their male supporters before and during the recent Kuwaiti Parliamentary elections, however, indicate that committed, grass-roots effort will not cease until Kuwaiti women achieve suffrage. In Egypt, recent judicial decisions evidence an increasing tendency to apply harsh interpretations of Islamic law to personal status issues, most notably in the case of Professor Nasr Abu Zayd and his wife, Ibtihal Younis, who were ordered to divorce after an Egyptian state court found Professor Abu Zayd guilty of apostasy (based on his academic writings about an eighth century Islamic jurist), and deemed him an unsuitable husband for a Muslim woman, despite Ibtihal Younis's public assertions that she loved her husband and supported his views.

Perhaps the most complex and daunting problem Arab women confront as they struggle for their human rights is the stultifying legacy of personal status codes based on religious laws, which constrict women's options and rights with respect to marriage, divorce, child custody, and inheritance. These legal codes are products of societies in which the basic unit is not the individual citizen, but rather, the family, sect or tribe. Critiquing and renovating such deeply-rooted institutions will require more than women's efforts alone; a carefully thought-out and broad-based initiative, involving discussion, dialogue and coordination among both genders and all confessional sects, will be needed to alleviate the most unjust repercussions of personal status laws on women's lives. This is not just a gender issue; rather, it is a question of the meaning of citizenship, *i.e.*, a question of the nature of the rights and duties of every individual citizen in relation to the state.

When discussing legal reforms and voting rights, we are on the familiar terrain of conventional human rights concerns, which focus on the relationship between the individual and the state, specifically, the state's violations of the rights of citizens as defined by national and international law. But the violations of greatest concern to women's rights activists in the Arab world take place in the private domain of the home at the hands of family members. This is a realm which the law scarcely reaches, and into which political debate rarely enters. In the cultural context of the Arab world, the home and the family are inviolable sanctuaries in which outsiders must not meddle. So, how can we confront the domestic violence and sexual abuse which, as so many doctors, counselors and lawyers tell us, is definitely taking place behind the walls of the Arab home? Although many Arab countries have signed the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), few are the Arab countries which have not also entered, along with their official signatures, long lists of reservations concerning CEDAW's claus-

es on women's rights in the context of the family. In fact, one scholar has recently noted that "more reservations with the potential to modify or exclude most, if not all, of the terms of the treaty, have been entered to CEDAW than to any other international convention." (1) State laws are no more effective than international conventions; they provide scant guidance or protection in the event of domestic violence. Furthermore, social, religious and political leaders tend to deny the existence of domestic violence in the Arab world, or, if acknowledging that it may sometimes occur, minimize its seriousness and significance by noting that there is scant statistical proof to indicate that the problem is widespread. Of course, conducting intensive statistical research on such a sensitive topic in a conservative social context is virtually impossible. No statistics will ever exist; thus, no attention will ever be paid to the suffering of abused women.

Despite the culturally imposed dividing line which separates the private and public realms in most Arab countries, global and regional politico-economic forces do indeed have a profound impact on the roles and relationships of men and women in the Arab family. Arab women's pronounced lack of economic power, no less than their glaring absence from decision-making structures in both the private and the public sectors, leaves them extremely vulnerable to violations of their basic human rights in the home. A woman who has no hope of attaining economic self-sufficiency or exercising decision-making powers over her own life or her children's lives will never feel empowered enough to leave an abusive husband whose behavior is excused on cultural and religious grounds. Thus, improving Arab women's conditions within the home will first require a thorough analysis of the interrelated economic and political obstacles confronting women outside of the home. These crucial topics will be addressed in the pages of *Al-Raïda* in 1997.

In the full knowledge of its controversial nature and capacity to provoke criticism and conflict, we present this special double issue of *Al-Raïda* in the hope that it will be discussed actively, not just read passively, by individuals and groups in all sectors of contemporary Arab society. The material contained within this File presents rich topics for debate, poses interrelated problems requiring creative solutions, and offers ideas for effective networking among individuals and organizations inside and outside the Arab world concerned with the momentous topic of women's human rights. If, after reading this issue of *Al-Raïda*, you feel moved to write an article, express an opinion, or propose ideas for research, networking, and activism, please do not hesitate to share your thoughts and ideas with us and all of our readers.

Laurie King-Irani
Editor-in-Chief

Endnotes

- (1) Ann Elizabeth Mayer, "Rhetorical Strategies and Official Policies on Women's Rights: The Merits and Drawbacks of the New World Hypocrisy," in M. Afkhami (ed.), *Faith and Freedom: Women's Human Rights in the Muslim World* (Syracuse: Syracuse University Press, 1995), pp. 104-131.